

## PLANS TO REBUILD CITY GAS WORKS

Folk's Wants Expert Engineers to Draw Complete Specifications.

**SEWER BIDS ARE INVITED**  
Administrative Board Issues Many Instructions for Work of All Sorts.

Rehabilitation of the Gas Works along comprehensive lines, with the erection of a new holder and the construction of a large system of new mains, was proposed by Mr. Folk's in the Administrative Board yesterday. On his motion, Superintendent Knowles was instructed to take up with engineers the matter of locating the most available site for a new gas holder, to obtain plans for the future development and improvement of the entire gas service, including service for the proposed annexed territory, the engineers so employed to prepare complete working drawings and specifications.

No limit of cost for the employment of such experts is provided in the resolution, nor is their number limited. There was set apart more than a year ago from a bond issue \$145,000 for a new gas holder, and for the new gas mains in South Richmond. About one-third of the appropriation has been expended in laying mains in South Richmond, the present balance being \$97,523.86. No plans have been approved for a gas holder. It is understood that the expert services proposed in the Folk's resolution will be paid for out of that fund.

**Other Business.**  
The City Engineer reported that it was impracticable to give temporary relief, as instructed, to E. H. Nesbitt and W. J. Fisher in regard to an alley between Eleventh, Twelfth, Stockton and Everett Streets until the alley is graded, which cannot be done until reclamation from drainage claims are obtained. The City Engineer was instructed to use old granite spalls in paving the driveway in Washington Square, and to get bids for a railing around the fountain in that park.

The City Council was requested to issue allegations for grandlarceny against the sidewalk on the south side of Stuart Avenue, between Sycamore and Rowland, south side of Hanover, between Meadow and Rowland, and both sides of Floyd Avenue, between Meadow and Park Streets. Gas mains were ordered laid in Davis Avenue, from Beverly to Ashland Street, and in Main Street, from the Boulevard to Deep Run Street. A water main was ordered extended from the lake drive in William Byrd Park to Ashland Street.

The City Engineer was instructed to get bids for a sewer in Sheppard Street, between Grove and Hanover Streets. He was also instructed to report, not later than Friday, the cost of a sewer in Fourteenth Street, South Richmond. The City Engineer was instructed to advertise for bids for a sewer from the south side of Cary Street, in an alley between Boulevard and Mulberry, to Taylor Street, east along Taylor to Mulberry, south on Mulberry to Chaffin, and east on Chaffin to Davis Avenue. The application of L. H. Gale, keeper of Monroe Park, for leave of absence for thirty days on account of sickness was granted with pay.

The City Attorney reported that the proposed purchase of a triangular lot on Poplar Street could not be made by the Administrative Board, and a resolution was forwarded to the Council authorizing its purchase at \$700 from T. Boyle, for enlargement of the gas house property.

**Examinations Are On.**  
[Special to The Times-Dispatch.]  
Winston-Salem, N. C., May 26.—The State board of dental examiners held the first of the State examinations for dentists at the high school this morning. There are fifty-six applicants for license, and the examination will continue through to-morrow and Wednesday. The thirty-ninth annual meeting of the North Carolina Dental Society will open Wednesday night and continue through Friday.

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The Antiseptic powder shaken into the shoe. The Standard Remedy for Itchy Feet, Bunions, Corns, 30,000 Testimonials. Sold Everywhere. Price 25c. Sample FREE. Address, Allen S. Wood, Inc., 15 N. 2nd St., New York, N. Y.

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3 for 95c.  
Best But-terine..... 20 & 25c  
Hog Brains..... 12 1/2c  
Pork Chops..... 18c  
When You See a Fly Think of Baker Bros.  
For We Haven't Got Them.

## KNAPP TO SIT IN COURT OF APPEALS

Member of Commerce Court Assigned by Chief Justice to Duty in Richmond.

Judge Martin A. Knapp, of the United States Commerce Court, has been designated by Chief Justice White, of the Supreme Court, to sit in the United States Circuit Court of Appeals in Richmond, and will join the other judges of the court at this morning's session. The length of his stay in the city is undetermined, but it is probable that he will sit for the remainder of the present term, which is expected to end about June 10.

Since the resignation of Judge Goff to accept a senatorship at the hands of West Virginia, the Fourth Judicial Circuit has been left with only three circuit judges. The appointment of Judge Woods, of South Carolina, to succeed to the vacancy left by the resignation of Judge Goff, has not yet been confirmed by the Senate. The confirmation is being held up pending the investigation of charges made against the South Carolinian.

Until Judge Woods is regularly accredited to the Fourth Circuit, it will be handicapped by the small number of judges available for service in the local Court of Appeals. The assignment of Judge Knapp to duty in Richmond was made necessary by the departure of Judge Keller for Charleston, W. Va., where he was called to preside over the United States District Court.

**Opinion in Bank Case.**  
The Court of Appeals convened at 10 o'clock yesterday morning, with Judge Pritchard, Keller and Connor in attendance, and handed down its opinion in the following case:

No. 1147, Northern Bank State Bank, Incorporated, appellant, vs. E. Hugh Smith, trustee in bankruptcy of G. Milton Snyder, bankrupt, appellee. Per curiam opinion. Affirmed, with costs. The court reconvened this morning at 10 o'clock, and the following cases will be in the call for argument: Nos. 1157, 1165 and 1175, H. D. Still's Sons, alleged bankrupts, et al., petitioners, appellants, vs. American National Bank of Marion, et al., respondents and appellees; on appeal and petition to superintend and revise, from the District Court at Charleston, S. C. Remanded by Charles C. Simms, of Barrow, S. C.; E. J. Best, of Columbia, S. C.; C. F. Mayfield, of Bamberg, S. C.; H. F. Huist and A. H. Ninestine, of Blacksville, S. C.; R. J. Southall, of Gaston, Ga.; Alexander Arman, of Marion, Ga., for the petitioners and appellees; and George S. Jones, of Marion, Ga.; W. H. Townsend, of Columbia, S. C.; Julian Mitchell and James A. Williams, of Charleston, S. C.; James A. Williams and H. O'Bannon, of Barrow, S. C., and William H. Fleming, of Augusta, Ga., for the respondents and appellees.

## DELEGATION URGES MERITS OF E. J. HALE

Efforts Made to Land North Carolinian in Diplomatic Post.

Washington, May 26.—A formidable delegation saw President Wilson today in behalf of Major E. J. Hale, of Fayetteville, N. C., for appointment as minister to the Republic of Brazil. The delegation consisted of Secretary Bryan, Senators Daniels, Senators Overman, Bacon and Randall, and Chief Justice Clark, of the North Carolina Supreme Court. Major Hale is considered for a place in the Cabinet of the President, but that North Carolina might be sure of a place in the official family of the President, he withdrew. Secretary Daniels being named, Major Hale's friends wanted him to be ambassador to Brazil, but he will be content with an important assignment to any other large foreign country. Major Hale is a well-known general at Manchester, England.

Senator Vandam, of Mississippi, saw the President today to urge the nomination of William Hayne Leavell, of Carroll City, for minister to Greece. Mr. Leavell is a son-in-law of the late Senator George, of Mississippi.

**Expected to Name Commission.**  
President Wilson is expected to name a Presidential commission this week. He has narrowed the field from which he will make a selection so that final choice will not be difficult. The President considers the personnel of the commission a most important matter. He has found he tells visitors to wealth of good material to select from, and the greatest trouble in the picking of the men is in leaving off some of those splendidly qualified for service. President Taft sent the names of the commission to the Senate, but the Democrats prevented them being ratified, holding the matter up until the new administration came in.

It may be some time before the President nominates the new civil service commission, and it is now said to be possible that there may be a change in the selections that were tentatively made a few days ago.

**Wants Mortgage Foreclosed.**  
Representative Neely, of Kansas, asked President Wilson today to direct Attorney-General McInerney to foreclose a mortgage on a 100-mile strip of railroad owned by the Missouri Pacific, between Atchison and Waterloo, Kan., to recover \$1,500,000 alleged to be due the government from railroad bonds.

Mr. Neely has a resolution in Congress to the same effect, but believes if he can interest the President it would be unnecessary to wait for action on the resolution. Mr. Wilson promised to study the question.

**ON CHARGES OF SEDITION.**  
French Government to Prosecute Organizers of Antimilitary Campaign in Paris, May 26.—Energetic action was taken by the French government against the antimilitary campaign in France today. More than eighty officers of the general confederation of labor exchanges in Paris and provincial cities were occupied by the police. The documents found in the bureau were seized by order of the government, which intends to prosecute on charges of sedition the organizers of recent demonstrations among the soldiers against the newly introduced three-year term of service in the active army.

The arrangements of the police were carefully made and the seizures were carried out simultaneously everywhere. It is asserted that much incriminating material was found.

## PLEA RECEIVED TO SET PRECEDENT

Members of Inferior Court Ask Reversal of Appellate Branch.

**ACTION IS UNEXPECTED**

Reduction of "Labor" Sentences Is Declared to Be by Assumed Power.

Washington, May 26.—A petition said to be unique in the history of jurisprudence, was filed in the Supreme Court of the United States today. Members of the Supreme Court of the District of Columbia asked that a portion of the decision of the Court of Appeals of the District of Columbia in the Gompers-Mitchell-Morrison contempt cases be reversed.

The signers of the petition are Chief Justice Clabaugh and Associate Justices Barnard, Anderson, Gould, Wright and Stafford. They ask the Supreme Court of the United States to reverse that portion of the decision of the Court of Appeals in the labor cases in which the Court of Appeals attempted to reduce the penalty assessed by the Supreme Court of the District on the labor men.

**"Assumed" Power.**  
The action of the Court of Appeals in reducing the sentence of Gompers from twelve months to the fine of \$500 each on Mitchell and Morrison, in lieu of jail terms, is referred to in the petition as the exercise of an "assumed" power. In the face of the said adjudications by the Court of Appeals that it lacked the jurisdiction to change a sentence for contempt, even if so disposed.

The will of the District of Columbia to the granting by the Supreme Court of the United States of the application for review filed last Saturday by Gompers, Mitchell and Morrison. Not only have the Supreme Court of the District no objection to review of the decision of the Court of Appeals, but concurs in the request of the labor leaders.

**To-Day's Petition the First.**  
To-day's petition is said to mark the first time in the history of the Supreme Court of the United States, that an inferior court has thus complained to the Supreme Court of the United States of the treatment accorded by a tribunal empowered to hear and determine appeals from the judgments and decrees of the inferior court.

The filing of the petition came as a distinct surprise, not only to the labor leaders, but to their counsel.

Although Chief Justice Clabaugh took no part, because of illness, in the contempt case, he appears to agree with his associates that the Court of Appeals has no power to gauge the extent of the alleged contempt of the District Court, or to name the punishment to be meted out by the contempt tribunal, and so joined in signing the application for a writ of certiorari.

The jurisdiction thus assumed by the Court of Appeals is not only a departure from its own repeated adjudications, upon the question involved in the Gompers case, but a departure from the Supreme Court of the United States, 33 App. D. C., 516, 577, Piche vs. United States, 37 App. D. C., 582, 587; Raymond vs. United States, 26 App. D. C., 550, 557, but is one of great general interest, for it reaches the importance and effect, since, if correct, it not only makes sense imposed by this court in every case of either a civil or a quasi-criminal nature, but it is a departure from the appeals to the Supreme Court, and from all other courts of similar character the summary power to enforce their orders and decrees, and to vindicate the existence of all courts, and postulates, sustained, the prompt and necessary assertion of the power of the courts of their inherent powers, and the enforcement of their orders, judgments and decrees, until after an appeal is made, shall have passed upon, and in revised and affirmed orders and judgments in cases of contempt which the courts, whose authority has been offended against, have imposed.

In view of the great public importance of the questions involved, this court concurs in the petition of the said respondents, which they are advised to be by them presented to the Supreme Court of the United States, that a writ of certiorari may be issued requiring the Court of Appeals of the District of Columbia to certify to the Supreme Court of the United States, for consideration and review by it, the questions presented to and determined by the said Court of Appeals in the contempt proceedings against the said Samuel Gompers, John Mitchell and Frank Morrison, being cause No. 2477 in the Court of Appeals of the District of Columbia, to the end that said questions may be determined in accordance with law and as their great importance demands.

The complaining judges point out that Gompers and his associates were found guilty of contempt in an "open, avowed and defiant disobedience" of the District Court, and that, after being afforded due opportunity to purge the contempt by signifying their willingness hereafter to obey the orders and decrees of the court.

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crees of the court unless and until the same should be reversed by competent authority, in accordance with the law as declared by the Supreme Court of the United States in the former contempt proceedings, each of the said respondents declined to make any apology or acknowledgment for his conduct in the past, or to give any assurance that the authority of the court would be respected or its orders and decrees obeyed in the future.

The Court of Appeals, according to the petition, sustained in every particular the action of the lower court in the conviction of Gompers and his associates, and found that, "standing aside from the contempt case, and the flagrant violation of an order of a court of the United States, after every excuse for their action had been brushed away, they not only refused submission to the courts, but by their action, contemptuously defied all law, government itself, and had confronted the court with a deep-laid conspiracy to trample under foot the law of the land and set in defiance the authority of the government."

Despite these findings, the court, claiming the power to review, affirm, reverse or modify any final decree of the lower court, held the punishment imposed to be excessive and modified the sentence "imposed by the lower court in the vindication and protection of its authority and powers."

The petition was presented on behalf of the court by Attorney J. J. Harrington, who is also chairman of the "Committee of Protest" having the contempt proceedings in charge.

## In the Wake of the Game

By GUS MALBERT

Another stuck in the don't count corner. Roanoke won, and as a result the Griffins are more snugly fixed in the lap of Dame Third Place. The explanation is simple. Roanoke hit Burleson, and Richmond failed to land fact that no ball club can look good behind inferior flinging. It simply drives one more nail in the argument we have advanced from time to time that Griff is in sore need of more and better pitching talent. Doc Ayers and Charlie Strain can never carry all of the load, regardless of the ability of the first named and the willingness of the last. Harry Griffin has yet to show that he will be able to stand the merry whirl, and unless Steve is able to get somebody to sandwich in between the daily diet of Strain and Ayers, a pennant will not float in the new yard of Richmond.

However, the Roanoke series will not be the real test. Griffin is undoubtedly husbanding his strength for the week-end series. There are four games to be played with the Goobers, and all four will be played on the home lot. The morning game had been scheduled for Petersburg, but since they do not make a holiday of Memorial Day in Petersburg, it has been transferred here. Petersburg is now securely entrenched in first place, and it will be the fond hope of Steve to dislodge the Burchmen. Up to the present time the glory has all gone to the Appomattox. It is time that scores were evened up a bit. Therefore his best front will be put forward by Manager Griffin in this latest quartet of struggles.

Newport News lost another close decision yesterday to Portsmouth, after Buck Barton had pitched a winning game. The jinx, which, for a while seemed to have left the seaport town, is back on the job. Mathews, when he started the work of rehabilitation, sought and obtained the best of the old ball players at liberty. He put them together, and they look like a formidable fighting machine. So far, with the exception of the series with the Tars and the one with the Colts in Newport News, the breaks have been against the fighting manager. That he is a good pilot is proved by the fact that at this time of the season he was unwilling to pin his van to semipros or out-and-out amateurs. He got experienced men—men who, if they have slowed up a bit, are still capable of delivering a very fair article of baseball and have a very virile punch left in their systems. He'll win ball games, and there is no reason for the Newport News faithful to lose heart. The breaks must eventually come to Mathews, and when he gets them his club is going to be on top. He can't win a pennant, but he can give the shipbuilding centre something to yell about occasionally. They have been good sports down there, and they should remain loyal to the man who, in the face of almost insurmountable obstacles, has brought together a team which would be a credit to any town in class "C" country.

Charlie Shaffer is the original hard luck guy. Before the season began there was not a man familiar with the Virginia League who did not predict that Shaffer would be so far out in front before July 4 that no other club of the league could possibly catch him. On paper he had a club that could hit 300 or better and could play defensively equally as well. The men fell down on the job, and now the Tars are running a sorry race, with only Newport News between them and the cellar. It's a little early to be making predictions, but the Tars are due to worry somebody before the end of the trail.

That Ty Cobb is going back, that he isn't the player he was, as reported in certain Washington papers, is easy to see. There's nothing strange about it. The records show, and figures never lie, unless they be figures of the gentler sex. Cobb is only batting .492, delivering for the Tigers at the rate of three hits per day, stealing bases regularly, and proving himself about eight-ninths of the offensive strength of the Detroit team. Along with Mathewson and Wagner and Lajoie, he is in the has-been edition. So why wonder?

Roger Peekinpaugh has been brought to the Yankees in exchange for Eddie Stump and Jack Lelivelt. Peekinpaugh was given the job of ousting Larry Lajoie out of his place with the Napanladers, something not overly easy. Chance has been in need of a shortstop, and Peek seems the odds. With a shortstop who can really take care of that section of the inner works, Claude Derrick can be shifted to third, his natural station, and the infield will look far better than it has up to the present time, with defensive strength and plenty of hitting power. In exchange, Cleveland gets a youngster in Stump who has been erratic, and has shown that he is not yet of big top calibre. Jack Lelivelt was let out by Washington, and is getting along in years. Once more Chance seems to have the better of a deal.

W. B. Bradley, secretary of the locals, left last night for Roanoke, where he will watch the Colts go after Roanoke today. He confirmed the deal which is on for the sale of Piez and Strain to the Yankees, but was unwilling to discuss the price at which the two were offered to Arthur Irwin. He was considerably worried at just how the information was obtained by The Times-Dispatch. Piez is adding to his value each day, and the local management would not be unwise to hold off any deal involving him for some days to come.

The sentiment in favor of starting the games at a reasonable hour—say, 4 o'clock—is growing. The fans are practically a unit in deprecating the lateness of the hour when the games are over. If the sentiment grows strong enough, the hour will be changed, for it is the desire of those who control the baseball situation to please the greatest number of patrons.

## GIVEN RED CROSS AID.

Washington, May 26.—The Red Cross today authorized the United States consul at Tampico, Mexico, to draw \$2,000, to be expended for the maintenance and transportation from that port to Galveston of American refugees whose property has been destroyed, and whose lives have been endangered by long-continued and widespread disorder in that section of the State of Tamaulipas.

To-day's reports to the State Department say that conditions around Tampico have become intolerable for Americans and other foreigners. Bandits masquerading as rebels have been attacking oil camps, farms and ranches, taking arms, horses and, sometimes money, the Federal force being inadequate to stop the raids and depredations. Many American farmers already have fled from their holdings, and many others, who desired to leave, were unable to do so because of their destitution.

The department is informed that the Tampico military authorities have discovered a new plot against the government, and that ten men have been arrested and sent to Vera Cruz on a gunboat. All rail and telegraphic communications have been cut off.

William Lorraine Cook, a mining engineer, who, with a party of friends, was robbed by bandits, escaped from Zihuatanejo in a canoe, and is now safe in Acapulco. C. K. Fulton, for whose safety the State Department made inquiry, is safe and well at San Dimas, Consul Johnson, at Matamoros, reports that John Friedman is supposed to be in Victoria.

## HIS NEW MOTORCYCLE SENDS HIM TO DEATH

[Special to The Times-Dispatch.]

Newbern, N. C., May 26.—Forest Lee, a young white man whose home is at Bridgeton, just across Neuse River from Newbern, and who was a member of the crew of the revenue cutter Pamlico stationed at this port, was instantly killed here late this afternoon when he was thrown from a motorcycle while speeding up East Front Street at a rate of sixty miles an hour. The young man purchased the machine, a nine-horsepower motorcycle, on last Saturday and was not familiar with its mechanism.

This afternoon he took it out for a spin over the city, and had been riding only a short time when the accident occurred.

On reaching East Front Street he opened the throttle, and those who witnessed the accident say that he was literally "flying" over the smooth pavement. Near the crossing of Short Street there is a curve, and on reaching it the machine dashed against the curb, and the rider laided head first against a tree, breaking his skull, upper and lower jaw, right hip and right leg, the motorcycle being badly damaged.

## FRIEDMANN'S "CURE" IS GIVEN HARD BLOW

**SMASH MASHERS, JUDGE'S ADVICE**

Health Officer of New York Asks That His Treatment Be Barred.

**Man Beaten by Indignant Woman He Accused Is Fined by Court.**

Washington, May 26.—Besides being severely beaten over the face with a silver mesh bandage by Mrs. E. E. Thomas, of 323 Thirtieth Street North-west, whom he accused with 100 yen pretty chicken, Richard O. Muller, an engineer, was convicted of disorderly conduct in the District branch of the Police Court today and sentenced to pay a fine of \$25.

"Why, then, did you take her number?" inquired the court.

"Because," stuttered the witness, and was unable to continue.

**Man Rescued by Police.**  
Further testimony explained how Mrs. Thomas had gone into the house after leaving her husband, and had then come out again to meet him. As she came out again, witness testified that she passed Muller and another man standing on the corner.

Sergeant Harry Lohman, who was loitering in the vicinity at the time, took the stand and supplied the rest of the story to the court here. He testified that he heard a man making distress signals about 12:30 o'clock Saturday night, and, on running to the scene, discovered Muller at the mercy of Mrs. Thomas, who declared that the man had tried to grab her.

That Muller had met his Waterloo in the affair with Mrs. Thomas was borne out by the marks on his face, which had been made by the telling strokes of the silver bandage.

**FIRE FOLLOWS EXPLOSION.**

Three-story Building Destroyed and \$100,000 Loss in Kansas City. Kansas City, Mo., May 26.—Fire that started at an early hour this morning from an explosion destroyed the three-story building at 121-122 Grand Avenue, in which were the O'Dowd Furniture Company and a moving picture theatre, on the ground floor, and a pool hall and dancing academy, on the upper floors. The loss is estimated at \$100,000. The O'Dowd concern is the largest loss.

Only by hard work of firemen was the blaze kept from spreading to the surrounding structures.

Culpable to Hesitate longer. "It seems to me that it would be culpable for us to longer hesitate, and that our duty now is to insist upon such a regulation and supervision of this class of cases as shall prevent the operation of the alleged cure had a tendency to accelerate rather than retard the progress of the disease."

"The reports of the investigator of your department," reads the letter, "whose peculiar experience with tuberculosis gives such a compelling force, are all to the effect that the dangers which might have been apprehended in such a form of treatment actually present therein. He finds that the patients subjected to this treatment have not improved, but have lost ground to an extent greater than might be expected from the natural ravages of the disease."

"The public advertisement of the serious harm had an effect of awakening a final and pitiful hope in the breasts of the desperately ill, which shrewd and conscienceless men might turn into an immense financial profit."

"There has been undue and opportunity in plentiful measure extended to Dr. Friedman and those who propose similar remedies for tuberculosis to demonstrate the therapeutic value of their treatment, but there has been no such demonstration of value. On the other hand, we have before us reports of the gravest character."

## PRISONER LEAVES COURT UNNOTICED

Fayetteville, N. C., May 26.—After pleading guilty to larceny in the Superior Court, Charlie Moore, of Carlos, in the confusion incident to the adjournment of court at noon to-day walked quietly down stairs and disappeared. He had not been apprehended at this hour to-night. Moore was charged with stealing a watch and other small articles from a Mr. Bell, of Carlos. After he had pleaded guilty Judge Ferguson took occasion to read the prisoner a lecture, and sentenced him to the roads for four months, and the judge then adjourned court, and Moore managed to take French leave.

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